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Counsel for Lead Plaintiff

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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RICHARD GREGORY, On Behalf of Himself ) Case No. C-04-4293-VRW  
and All Others Similarly Situated, )  
Plaintiff, ) CLASS ACTION  
vs. )  
CHIRON CORPORATION, HOWARD H. )  
PIEN, JOHN A. LAMBERT and DAVID V. )  
SMITH, )  
Defendants. )  
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1 WHEREAS, on March 29, 2007, the Stipulation and Agreement of Settlement (the  
2 "Settlement Stipulation") was executed by the parties;

3 WHEREAS, on May 4, 2007, Plaintiff filed the Settlement Stipulation and the Motion for  
4 Preliminary Approval of the Proposed Settlement, the Proposed Plan of Allocation, and Attorneys'  
5 Fees and Reimbursement of Expenses ("Preliminary Approval Motion");

6 WHEREAS, the Preliminary Approval Motion is scheduled to be heard before this Court on  
7 August 2, 2007, at 2:00 p.m.;

8 WHEREAS, George A. Bauer III, a partner with the law firm of Milberg Weiss & Bershad  
9 LLP, Plaintiff's Lead Counsel, participated in negotiating and documenting the terms of the  
10 Settlement;

11 WHEREAS, Mr. Bauer is unable to physically attend the hearing on the Preliminary  
12 Approval Motion due to health issues affecting his ability to travel; and

13 WHEREAS, Jeff S. Westerman and/or Elizabeth P. Lin of Milberg Weiss & Bershad LLP  
14 will be physically present at the hearing on the Preliminary Approval Motion but wish Mr. Bauer to  
15 also participate by telephone;

16 NOW, THEREFORE, the parties stipulate and agree, as follows:

17 1. Mr. Bauer may participate in the Preliminary Approval Motion on August 2, 2007, at  
18 2:00 p.m. by telephone; and

19 2. Plaintiff's Lead Counsel shall make arrangements for the telephonic participation of  
20 Mr. Bauer.

21 IT IS SO STIPULATED

22 DATED: June 7, 2007

MILBERG WEISS & BERSHAD LLP  
JEFF S. WESTERMAN  
ELIZABETH P. LIN

25 \_\_\_\_\_  
26 /s/ Elizabeth P. Lin  
27 ELIZABETH P. LIN  
28

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24 *Counsel for Lead Plaintiff*  
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26 SKADDEN ARPS SLATE MEAGHER  
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28 ERIC S. WAXMAN  
AMY S. PARK  
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*/s/ Amy S. Park*  
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46 *Attorneys for Defendants*  
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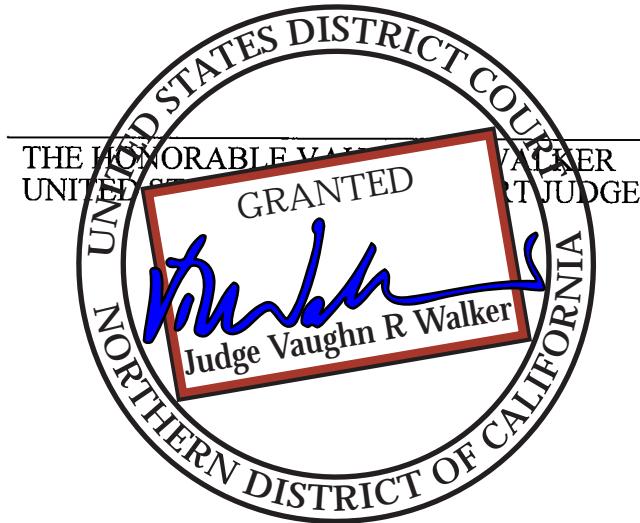
48 DATED: June 7, 2007  
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1 ORDER  
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Having read and considered the parties' Stipulation and [Proposed] Order re Telephonic  
Participation by George A. Bauer III at Hearing for Preliminary Settlement Approval,

4 IT IS SO ORDERED.

5 DATED: June 15, 2007  
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## DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

3       1. That declarant is and was, at all times herein mentioned, employed in the County of  
4 Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that  
5 declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los  
6 Angeles, California 90071-3149.

7       2.       That on June 7, 2007, declarant served the STIPULATION AND [PROPOSED]  
8 ORDER RE TELEPHONIC PARTICIPATION BY GEORGE A. BAUER III AT HEARING FOR  
9 PRELIMINARY SETTLEMENT APPROVAL by depositing a true copy thereof in a United States  
10 mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and  
11 addressed to the parties listed on the attached Service List.

12       3.     That there is a regular communication by mail between the place of mailing and the  
13 places so addressed.

14 I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th  
15 day of June, 2007, at Los Angeles, California.

/s/ Ann Marie Genovese  
ANN MARIE GENOVESE

## **CHIRON CORPORATION SERVICE LIST**

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